

PLANNING AND ZONING COMMISSION
STAFF REPORT

January 16, 2014



Rezoning case no. RZ13-19: Ollie Elarms

CASE DESCRIPTION: a request to change the zoning classification from Mixed Use District (MU-2) to Commercial District (C-3)

LOCATION: 704 San Jacinto Lane, being 0.186 acres of land located approximately 155 feet to 200 feet southwest from its intersection with W. Martin Luther King Jr. Street

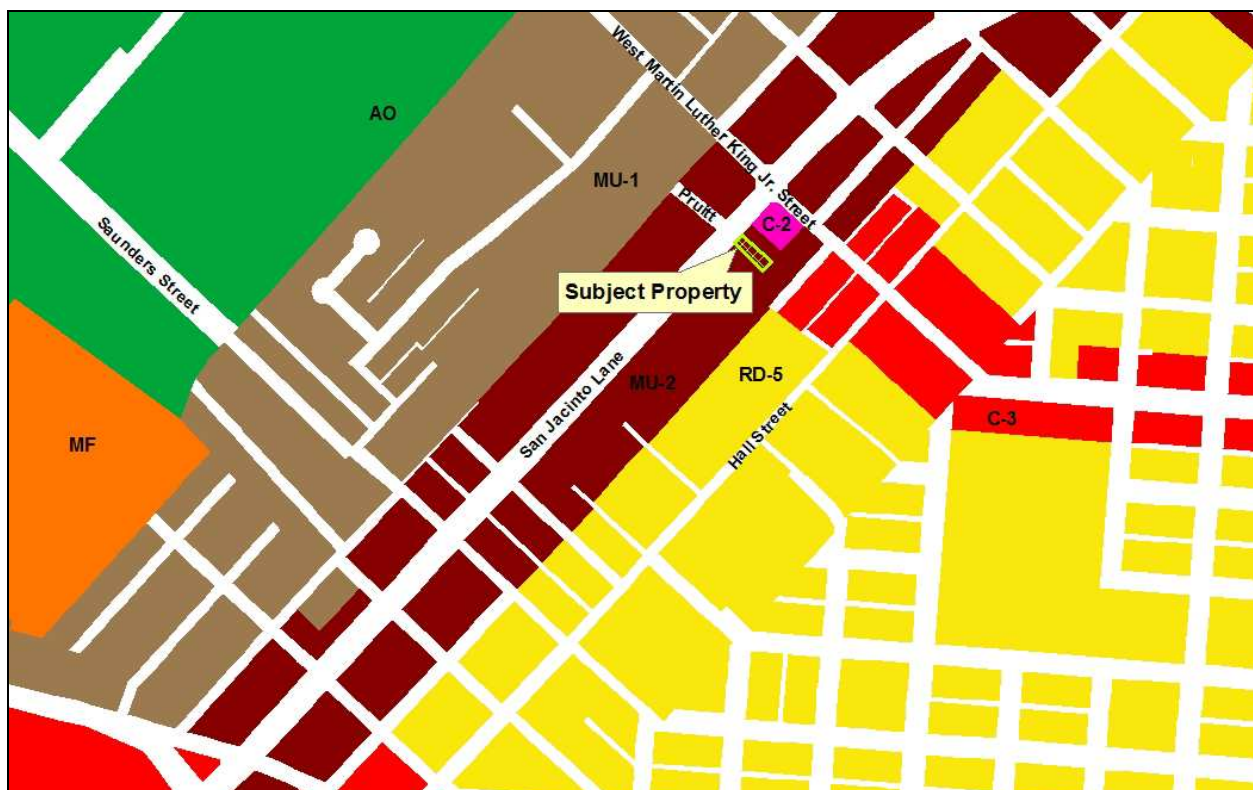
LEGAL DESCRIPTION: Lot 3 in Block 5 of Bryan's 3rd Addition

EXISTING LAND USE: nightclub

APPLICANT(S): Ollie Elarms

STAFF CONTACT: Randy Haynes, Project Planner

SUMMARY RECOMMENDATION: Staff recommends **denying** the proposed rezoning, as requested.



AERIAL PHOTOGRAPH:



BACKGROUND:

The applicants are requesting to change the zoning classification on property at 704 San Jacinto Lane, being approximately 0.186 acres of land, from Mixed Use District (MU-2) to Commercial District (C-3). The current land use is the Green Hornet nightclub.

The subject property adjoins the southeast side of San Jacinto Lane, 155 to 200 feet southwest from its intersection with W. Martin Luther King Jr. Street. Vacant land adjoins the subject property to the south and southwest. Property to the northeast is occupied by the Whitehouse nightclub. Good Times Liquor and Lone Star Grocery occupy property further northeast, at the south corner of San Jacinto Lane (State Highway 21) and W. Martin Luther King Jr. Street. A retail store is located to the north, across San Jacinto Lane.

The Green Hornet nightclub has been in operation at this location since 1964. Ms. Ollie Elarms, the applicant and current property owner, is the daughter of the founder of the business. The current zoning of the property is MU-2 District which does not permit the operation of a nightclub. The Green Hornet has operated as a legally nonconforming use at this location since zoning became effective in Bryan on February 12, 1990.

Ms. Elarms has applied for a late hours permit from the Texas Alcoholic Beverage Commission (TABC), which, if approved, would allow the nightclub to serve alcohol until 2a.m. instead of midnight. Since the current MU-2 zoning does not allow nightclubs, Ms. Elarms has requested to change the zoning on her property to C-3 District, which allows nightclubs by right.

The MU-2 District is a mixed land use area which was primarily a residential area at one time but has evolved into an area which has numerous nonresidential uses. The district is intended as a temporary district classification to aid in transition of certain areas of the city to a permanent zoning district classification in the future. Many of the nonresidential uses which now exist occupy structures which were at one time used for residential purposes. It is the intent of this district to allow certain uses which are compatible with existing land uses.

The C-3 District is intended predominantly for heavy retail and commercial uses of a service nature which typically have operating characteristics or traffic service requirements generally compatible with typical retail or shopping, but generally not with residential environments. Operating characteristics which may be typical of uses permitted in the C-3 District include service oriented, may sell used goods, require warehouse storage and delivery areas, and have a greater service radius than retail stores.

Land uses permitted by right in MU-2 Districts, but not in C-3 Districts

Single-family detached dwelling;

Servant's quarters;

Home occupations;

Personal Care Homes;

Patio home (zero lot line dwelling);

Townhouses;

Duplexes;

Multifamily dwellings;

Moving company;

Research labs;

Roofing and siding company;

Stadium;

Welding shop;

Wholesale distributor

Land uses permitted by right in C-3 Districts, but not MU-2 Districts

Accessory or incidental uses to the main use;

Amusement arcade (video arcade);

Assisted Living Facilities;

Automobile repair;

Automobile sales/rental/service;

Automobile service station;

Banks, savings and loans or credit union offices;

Boat sales/rental/service;

Bus terminal/station;

Business or trade school;

Charitable uses

Child care--Class C;

Commercial amusement, (indoor);

Commercial amusement, (outdoor);

Commercial bakery;

Dance studio;

Farm equipment sales and service;

Feed store;

Fitness center;

Fraternal/service organization;

Funeral home/mortuary;

Gaming establishments;

Ice company (sales);

Ice company (wholesale);

Indoor archery and shooting range;

Kiosk;

Laboratory (scientific, research, medical);

Laundries, commercial;

Lumberyard;

Manufactured home display and sales;

Medical facilities or clinics;

Micro-assembly;

Mini-warehouse/self-storage;

Motel or hotel;

Museum/art gallery;

Nightclub or tavern;

Nursing home (retirement home);
 Office--Showroom/warehouse;
 Overnight delivery company;
 Package liquor store;
 Parking lots (nonpaid for nonresidential use);
 Parking lots or garages, commercial;
 Personal services / custom personal services;
 Pharmacies;
 Photography studio;
 Plumbing service;
 Police station;
 Portable / commercial structures Permanent;
 Portable / commercial structures--Seasonal;
 Private utility (with general outdoor storage);
 Private utility (no repair or outdoor storage);

Radio or television broadcasting studio (without tower);
 Reception hall;
 Recreational vehicle (RV) park;
 Recycling collection point;
 Restaurant;
 Retail services (including incidental uses);
 Studio;
 Tattoo/piercing studio;
 Temporary structures, construction work;
 Theater--Indoor.
 Theater--Outdoor (amphitheater);
 Truck repair/truck stop;
 Veterinary services (no outdoor pens or runs).
 Veterinary services (no outdoor runs or pens).

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The City of Bryan adopted an updated Comprehensive Plan in January 2007. The plan includes policy recommendations related to the various physical development aspects of the community. In Section 5.0 which concerns land use, the Comprehensive Plan addresses zoning amendments and redevelopment:

Land Use refers to how land is currently being used and how it should be used in the future. The City of Bryan guides land use to ensure that land resources appropriately encourage economic development, promote a variety of housing developments, preserve natural and historic resources, and accommodate transportation routes and public facilities in order to protect and improve Bryan's quality of life.

Redevelopment and Infill Policies

The level of importance placed on redevelopment and infill drove the need for policies specific to those types of development.

Redevelopment involves the improvement of an area that was developed at some time in the past. It refers to the adaptive reuse of existing buildings or the demolition and replacement of older buildings and parking lots with newer structures. Infill generally involves the development of land that has remained vacant and, over time, has become surrounded by development. In both cases the areas are typically in the inner core of the City and not areas on the periphery. Bryan has numerous opportunities for commercial and residential redevelopment and infill.

Objective A: Achieve a sustainable mix of land use types in suitable locations, densities and patterns.

Action Statement 2: Identify areas for future commercial development and preserve them with appropriate zoning.





ANALYSIS:

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission shall consider the following factors:

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to general area and the City as a whole.

Staff believes that, in this particular case, several land uses permitted within the C-3 zoning district would not be compatible with other permitted land uses in the immediate area surrounding the subject property. The land abutting the subject property is divided into small parcels and is likely to be developed with residential uses, as these small parcels are simply not big enough to accommodate modern commercial development. Many uses allowed within the C-3 District, e.g., auto or truck repair, nightclubs or restaurants, are too intense to be appropriate adjacent to residences.

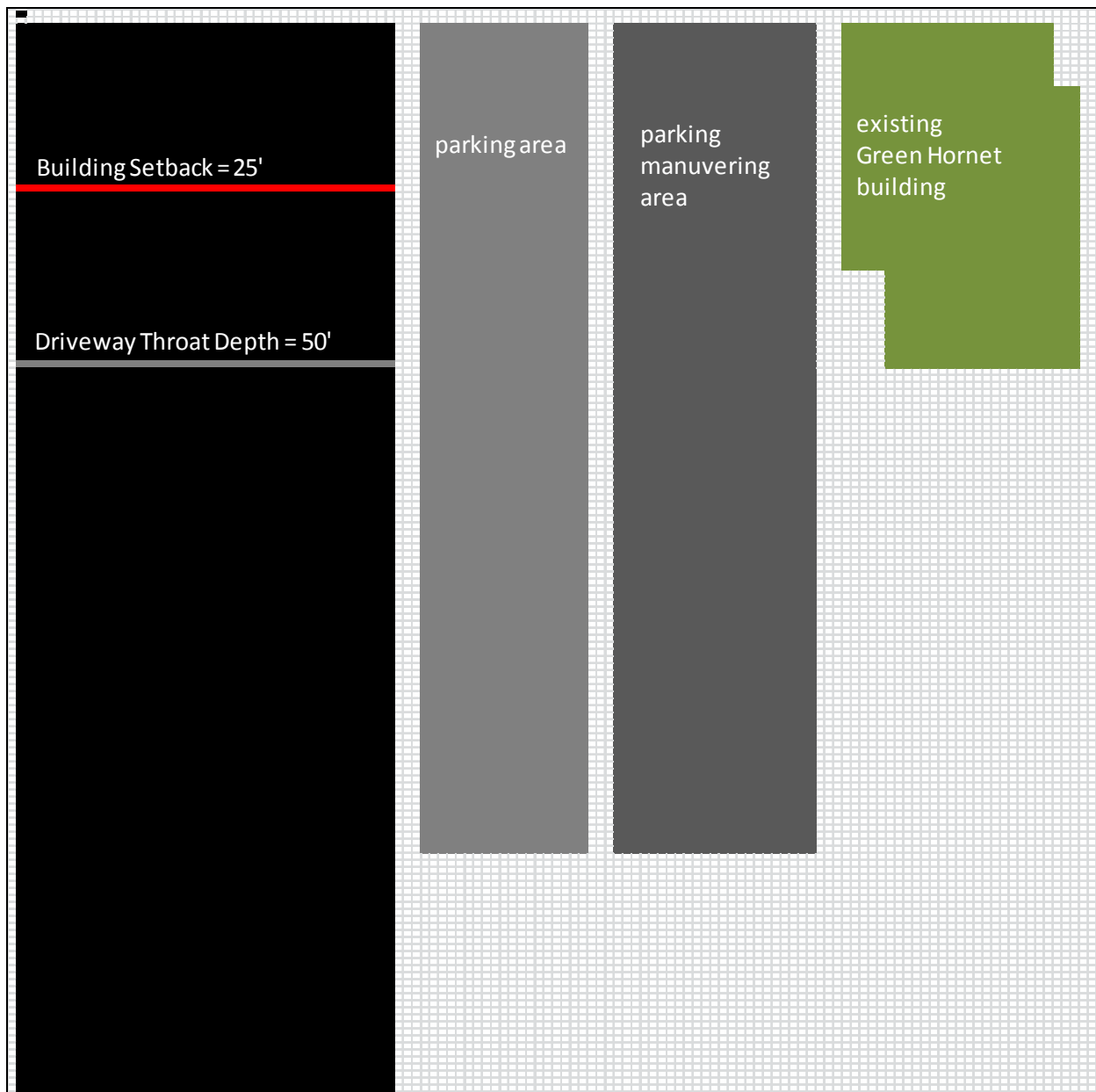
Typically, commercial uses allowed in C-3 Districts require significant amounts of space to successfully and safely operate. Both the Retail (C-2) and C-3 zoning classifications require minimum lot sizes of 20,000 square feet. Dimensional minimums of 100-foot lot width and 200-foot lot depth are required. Of the 102 existing parcels along San Jacinto Lane from William J. Bryan Parkway to Texas Avenue, only 14 parcels would be large enough to meet this minimum lot size requirement and only 6 of those 14 lots would meet the 100 foot width standard. The subject property, which is only 45 feet in width and is approximately 6,200 square feet in area, does not meet either standard.

Using off-street parking as an example, for the 1,300 square-foot building to be used as a nightclub, by current standards, would require a minimum of 13 off-street parking spaces. At least one of those spaces would have to be handicapped-accessible. In addition, the parking lot would have to provide sufficient drive isles/maneuvering space to allow independent access. The subject property, being only approximately 6,200 square-feet in area could at no time

accommodate the minimum 7,000 square-foot required development footprint. These basic calculations do not account for other required space such as building setback areas, drive aisle area or throat depth. Currently some patrons of the nightclub utilize off-site parking, some of it across San Jacinto Lane.

Staff contends that the existing pattern of subdivision and development along San Jacinto Lane consisting of small parcels and relatively shallow lot depths make many of the land uses permitted in the C-3 District inappropriate in the general area of the San Jacinto corridor.

The graphic below represents the relative sizes of the lot, existing building footprint and the areas that would be required for minimum parking and maneuvering areas.



2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area and shall note the findings.

All along San Jacinto Lane, safe access to the roadway is problematic. Between 1995 and 2002 San Jacinto Lane / State Highway 21 underwent major renovation and expansion. The street was widened and made a divided roadway with median breaks at approximately 1000-foot intervals. The installation of the median was to improve safety due to the large number of potential conflict points caused by local street intersections and private curb-cuts.

Due of the fact that San Jacinto Lane is a divided roadway, development standards allow a reduction in minimum corner clearance from 275 to 220 feet. The typical distance between city street intersections along San Jacinto Lane is less than 300 feet, making spacing of virtually every private driveway onto San Jacinto Lane a substandard driveway. The subject property only has 45 feet of lot frontage along this major arterial roadway. Such an existing pattern of development combined with the heavy traffic load on this major street created the hazardous conditions which the divided roadway is intended to help mitigate.

The subject property does not have direct access to the sanitary sewer system. It appears that a service line crosses the adjacent lot at the rear of the property and empties into the public line under Hudson Street. There are no plans to extend the public system further. Adequate water for current needs and modest future development is available across San Jacinto Lane. There is a fire hydrant within 300 feet of the subject property.

3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

There is a reasonable amount of undeveloped land zoned C-3 District near the subject property located along W. Martin Luther King Jr. Street. Staff believes that this zone change request, if approved, will not make land classified for similar development in the vicinity and elsewhere in the City unavailable for development.

4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

Since the existing pattern of development along San Jacinto Lane consists of relatively small parcels, redevelopment to modern development standards would likely require the assembly of several tracts. Staff contends that this is a barrier which is a contributing factor that has led to little development/redevelopment pressure along this corridor.

5. How other areas designated for similar development will be, or are unlikely to be affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

If the proposed zone change was approved, staff believes there to be few, if any, effects on other areas designated for similar development.

6. Any other factors affecting health, safety, morals, or general welfare.

The Bryan Police Department has notified staff that department experience suggests that the extension of nightclub operating hours generally causes negative secondary impacts, and may cause significant negative impacts to the surrounding area.

A review of crime data reveals that a significant number of nightclubs in Bryan that operate during the hours of midnight and 2 a.m. experience a level of unlawful activity that far exceeds the level experienced at establishments that close at midnight or earlier. The data indicates that the increased level of illicit activity also impacts the area in the immediate vicinity of nightclubs observing late hours. Service call data for areas surrounding five Bryan nightclubs from 2010 and December 2013 indicates that the number of calls for service rose by 59% during the hours after midnight. In the chart below, sites 1 and 2 close at midnight; sites 3, 4 and 5 have late hours permits that allow operation until 2 a.m.

Calls For Service <u>before midnight</u>	Midnight Close		Late Hours Permit		
	Site 1	Site 2	Site 3	Site 4	Site 5
2010	17	9	4	15	19
2011	14	5	2	18	29
2012	26	11	11	15	
2013	32	13	4	8	
total calls = 252					
Calls For Service <u>after midnight</u>	Midnight Close		Late Hours Permit		
	Site 1	Site 2	Site 3	Site 4	Site 5
2010	3	1	2	30	61
2011	5	1	4	35	67
2012	13	5	47	45	
2013	8	1	38	34	
total calls = 400					

RECOMMENDATION:

Based on all these considerations, staff recommends **denying** the requested zone change. Staff contends that due to the small size of the subject tract, current or future development could at no time comply with the minimum required development standards of the C-3 District. In addition, a significant number of land uses that are allowed by right in the C-3 District would be inappropriate at this specific location and in the general vicinity. Staff is furthermore concerned that based on information offered by the Bryan Police Department, approving this rezoning request and thereby allowing the possible extension of operating hours of the existing nightclub use on the subject property is very likely to cause negative impact to the health, safety or general welfare of the public.